

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

**Status of Claims:**

Claims 3, 4, 7-9, 12, 19-23 and 40-53 are currently being cancelled.

Claims 1, 2, 5, 6, 10, 11, 13-18 and 24-39 are currently being amended.

Claim 54 is currently being added.

This amendment and reply adds, cancels and amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding, canceling and amending the claims as set forth above, claims 1, 2, 5, 6, 10, 11, 13-18, 24-39 and 54 are now pending in this application.

**Objection to the Title:**

In the Office Action, the title of the invention was objected to as not being sufficiently descriptive. By way of this amendment and reply, a new title has been adopted, which corresponds to the title suggested by the Examiner on page 2 of the Office Action.

**Claim Objections:**

In the Office Action, claims 1-53 were objected to for the reasons set forth on pages 2-11 of the Office Action. The presently pending claims have been amended based on the helpful comments provided on pages 2-11 of the Office Action, whereby the presently pending claims are believed to be unobjectionable.

**Claim Rejections – 35 U.S.C. § 101:**

In the Office Action, claims 1-53 were rejected under 35 U.S.C. § 101, as being as being directed to non-statutory subject matter, because assertedly they do not recite “a useful, concrete and tangible result.” While Applicants disagree with this rejection, each of the presently pending claims has been amended to recite a useful, concrete and tangible result, that being the providing of a packet from one node to another node, in a direction towards a destination node, using a transfer method that has been resolved.

Accordingly, the presently pending claims fully comply with 35 U.S.C. § 101.

**Claim Rejections – 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph:**

In the Office Action, claims 1-18, 32-39 and 50-53 were rejected under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph, as being indefinite, for the reasons set forth on pages 14-16 of the Office Action. With respect to presently pending claims 1, 2, 5, 6, 10, 11, 13-18 and 32-39, those claims have been amended to overcome the 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph rejection, whereby all of the presently pending claims fully comply with 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph. It is noted that the supposed problem with claim 39 does not appear in that claim (“a request for resource control”).

**Claim Rejections – Prior Art:**

In the Office Action, claims 1-10, 19-28 and 42-49 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,128,666 to Muller; claims 24, 29, 32-37 and 50-53 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,154,777 to Ebrahim; claims 1-10, 19-29 and 40-49 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,985,964 to Petersen; claims 14-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of Ebrahim; claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of U.S. Patent No. 6,016,512 to Huitema; claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of U.S. Patent Publication No. 2002/0080786 to Roberts; claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of U.S. Patent No. 5,434,974 to Loucks; claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of Loucks and further in view of U.S. Patent No. 6,870,550 to Wesinger; claims 31 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ebrahim in view of U.S. Patent No. 7,139,838 to Squire; claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of U.S. Patent Publication No. 2002/0031142 to Metin; and claims 31 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen in view of Metin. These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

Presently pending independent claim 1 recites:

*A packet transfer equipment that transfers ~~the~~ a received packet to another node, comprising:*

*means for extracting information contained in said received packet,*

*means for inquiring of an external server about information related to a transfer method of said received packet, using the extracted information as a key,*

*means for resolving the transfer method of said received packet according to the information obtained from said external server, and*

*means for transferring said received packet to said another node, based on the transfer method resolved by said resolving means,*

*said another node being a node of a user that is to receive and act on said received packet, or a node in a downstream direction towards said node of the user.*

With respect to the rejection of claim 1 over Muller, Muller is directed to updating packet headers using hardware, whereby packets are modified such that a source address field is replaced with an address of a MAC, and whereby a CRC is appended to the end of the packet (for error checking). That way, a packet can be routed in hardware. See Abstract of Muller. Column 2, lines 5-9 of Muller describes that a search engine sends the packet type information to an input port process, along with the destination address to be updated if the packet is to be routed, or a VLAN tag if the packet has been identified to be forwarded to a particular VLAN. There is no disclosure or suggestion in Muller of making an inquiry to an external server about information related to a transfer method, using information extracted from a received packet as a key, and there is no disclosure or suggestion in Muller or resolving a transfer method of the received packet according to information provided by the external server. Rather, the switch device itself performs a packet transfer resolution in the system of Muller.

With respect to the rejection of claim 1 over Petersen, Petersen is directed to a network processor system that includes a packet parser, a packet deconstructor, a search engine, and a packet editor. See Abstract of Petersen. Column 2, lines 29-63 of Petersen describes a central processor 110 receives packets, and that peripheral processors 120, 130, 140 and 150 are passed data from the central processor 110. Column 3, lines 21-42 of Petersen discloses that a packet parser assigns a vector to the

packet that indicates to the central processor 110 in which category the packet belongs, so that the central processor 110 is provided a “head start” in processing the received packet.

There is no disclosure or suggestion in Petersen of making an inquiry to an external server about information related to a transfer method, using information extracted from a received packet as a key, and there is no disclosure or suggestion in Petersen or resolving a transfer method of the received packet according to information provided by the external server. Rather, a central processor performs a packet transfer resolution in the system of Petersen, utilizing information provided to it by peripheral processors.

Accordingly, the presently pending claims under rejection are not anticipated by either Muller or by Petersen.

With respect to the rejection of claims 24, 29 and 32-37 over Ebrahim, claim 24 recites:

*A packet transfer method resolution server comprising:*

*a packet transfer method database where correspondences between several types of information contained in a packet and one or more type of information related to a packet transfer method are registered, and*

*a packet transfer method resolution request acceptance section that accepts a packet transfer method resolution request from a packet transfer equipment that transfers a received packet to another node inquiring the information related to a transfer method of said received packet and specifying information contained in said received packet, refers to said packet transfer method database, and provides the one or more type of information related to the transfer method of said received packet to said packet transfer equipment,*

*wherein said received packet is transferred to the another node in a downstream direction towards a destination node, in accordance with the transfer method.*

Ebrahim is directed to a system for context-dependent name resolution, whereby a name resolver is utilized to resolve an appropriate IP address. Information such as: information about the sender, information about the intended recipient, type of service, etc. is

utilized to resolve an appropriate IP address, whereby the resolver may be implemented in hardware and/or software. See Abstract of Ebrahim.

The Office Action asserts that column 5, lines 23-38 describes several types of information contained in a received packet. While that may be the case, Ebrahim does not disclose or suggest a packet transfer method database in a server, where correspondences between several types of information contained in a packet and one or more type of information related to a packet transfer method are registered. Memory 170 in Figure 4 of Ebrahim, which is asserted as corresponding to the claimed packet transfer method database, does not meet these specific claim limitations. Rather, the fact that a packet may be resolved by a resolver based on quality of service or requester's time of day or time zone, does not disclose or suggest that a database is utilized to make such a resolution, whereby the claimed database stores correspondences between several types of information contained in a packet and one or more type of information related to a packet transfer method.

Accordingly, presently pending independent claim 24, as well as the other claims rejected over Ebrahim, are not anticipated by that reference.

Since the other art cited in the Office Action does not rectify the above-mentioned deficiencies of Muller, Petersen and Ebrahim, the presently pending claims are patentable over the cited art of record, when taken as a whole.

**New Claim:**

New claim 54 has been added to recite additional features of the present invention that are believed to provide an additional basis of patentability for that claim.

**Conclusion:**

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 945-6014  
Facsimile: (202) 672-5399

By Phillip J. Articola

George C. Beck  
Registration No. 38,072

Phillip J. Articola  
Registration No. 38,819